

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID P. THORNTON,

Plaintiff,

-against-

5:05-CV-827
(LEK/GHL)

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

DECISION AND ORDER

Plaintiff, David P. Thornton filed this action in federal court on July 1, 2005 to review the Social Security Administration's denial of disability insurance benefits ("DIB") and Supplemental Security Income ("SSI"). Administrative Transcript ("T") (Dkt. No. 10) at 27. This matter comes before the Court following a Report-Recommendation filed on June, 12 2008 by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 21). After ten days from the service thereof, the Clerk sent the entire file to the undersigned, including the objections by David P. Thornton, which were filed on June 25, 2008. Objection (Dkt. No. 22).

It is the duty of this Court to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b). "A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation

should be approved for the reasons stated therein.

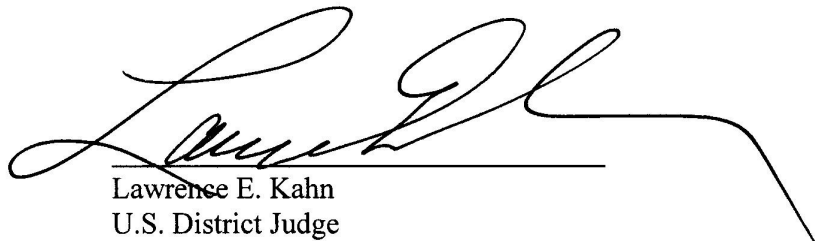
Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 21) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: July 30, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge